IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

SUIT NO. 37 OF 2005.

Themtan alias
Timmy Dorab Pavri. ... Plaintiff No.1.

And.

Taina Timmy Pavri. ... Plaintiff No.2.

Mrs.Venita M. Daver for plaintiff No.1.

Mrs.Armaity S. Khushrushai for plaintiff No.2.

CORAM: V.C.DAGA, J.

DATED: 13th January 2006.

P.C.:

. Parties to the suit i.e. plaintiff Nos.1 and 2 have presented in this Court, petition/ suit for divorce by mutual consent.

2. The petition/suit is jointly signed by both parties. The same is duly verified on 29th December, 2005. Plaintiff Nos.1 and 2 both have filed separate affidavits, duly affirmed before the oath officer- Associate, High Court, Bombay, in support the averments made in the suit for divorce by mutual consent.

3. The plaintiff No.2.- wife in the affidavit has stated that she was intending to go back to Australia on 7th January, 2006 to resume her work and look after her children. She has also stated

on oath that it will not be possible for her to come back to Mumbai at least for a year since it would be extremely difficult for her to get leave from her work. She, therefore, prayed that the consent terms be recorded. However, it appears that no consent terms could be produced before the earlier bench, with the result, plaintiff No.2-wife left for Australia.

4. Plaintiff No.1- husband is present in the Court in person along with his counsel who also wants to go back to Australia. Whereas plaintiff No.2- wife is not present in persons, however, she is represented by her Advocate Mr.Khushrushai, who submits that she has been authorised to make statement on behalf of her client- plaintiff No.2/wife to stand by the terms of settlement. She submits that considering the peculiar situation in which plaintiff No.2- wife is placed, the consent terms be recorded in her absence and marriage between the parties be dissolved by mutual consent.

5. Having considered the facts and circumstances of the case placed before me and taking into account the affidavits filed by plaintiff Nos.1 and 2 sworn before the Associate, High Court, I am satisfied that the parties to the suit have settled their dispute out of Court and

are seeking decree of divorce by mutual consent. Ample material is on record to suggest that plaintiff No.2- wife was in Mumbai. She has signed and verified the petition/suit in her own hand. In support of the petition, she has filed her affidavit duly affirmed in this Court at Mumbai. Her advocate has also countersigned the divorce petition/suit and affidavit referred herein. She is still representing the plaintiff No.2- wife. In this view of the matter, there is no reason to doubt the correctness of the statements made in the divorce petition/suit. Thus, considering the facts and circumstances of the case, I see no difficulty in granting decree of divorce by mutual consent in absence of plaintiff No.2- wife since plaintiff No.1- husband has also to go back to Australia to resume his work. Hence the following order:

O R D E R

. By consent of parties, marriage stands dissolved in terms of the consent terms incorporated in Exh.'B' forming part and parcel of the divorce suit.

. Suit stands disposed of in terms of this order with no order as to costs.

. Decree be drawn accordingly.

(V.C.DAGA, J.)